

COPY

CONDITIONAL USE PERMIT NO. 82-0611
(AMENDMENT TO CUP NO. 238-PC)
CITY COUNCIL
(CORRECTED PERMIT, CONDITION 22)

This Conditional Use Permit is granted by the City Council of The City of San Diego to MISSION GORGE DEVELOPMENT CO., a California corporation, "Owner," and V. R. DENNIS CONSTRUCTION COMPANY, a California corporation, "Permittee," for the purpose and under the terms and conditions as set out herein pursuant to the authority contained in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a natural resource facility over approximately 250 acres of land located on the north side of Mission Gorge Road, between the extension of Tierrasanta Boulevard and Margerum Avenue, described as portion of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634, in the A-1-10, R-1-40 and M-1B zones.

2. The natural resource facility shall include, and the term "project" as used in this Conditional Use Permit shall mean, the total of the following facilities:

- a. Extraction, processing and storage of sand, gravel, rock, clay, decomposed granite and soils.
- b. Manufacture, production, processing and storage of asphaltic concrete, Portland cement, concrete products and clay products.
- c. Sale and distribution by truck or other conveyance of sand, gravel, rock, clay, decomposed granite and soils, and Portland cement, asphaltic concrete, concrete and clay products.
- d. Off-street parking,
- e. All structures, machinery, equipment and facilities incidental to the uses described in this paragraph.
- f. A master Reclamation Plan encompassing 420 acres of land to be implemented through the phased rehabilitation of excavated area.
- g. Incidental accessory uses as may be determined and approved by the Planning Director.
- h. Storage and use of explosives as per California Industrial Standards.

5 yrs
Boundry

3. This permit shall expire at midnight, June 14, 2033.
- ④ This permit shall be subject to review of all conditions by the City Planning Commission of The City of San Diego at five-year intervals. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended. However, during the five-year review period, any affected person may submit a request to the City Planning Director for a review of this permit if any unforeseen major problem arises.
- ⑤ A 420-acre Master Reclamation Plan accompanies this Conditional Use Permit. Precise reclamation plans shall be submitted to the City Planning Department and Environmental Quality Division for review prior to final reclamation of subareas. The submittal of the phased plans should correspond with the five-year period outlined in paragraphs 4 and 28.d.
- ⑥ Precise reclamation plans shall also be subject to environmental review. If deemed necessary, geotechnical studies shall be conducted in order to determine significance of potential impacts. Mitigation measures, if required, shall be implemented at the precise plan level.
7. Not less than one off-street parking space for each employee shall be provided and maintained on the subject property. Areas and driveways shall be oiled, paved, or otherwise dust-proofed, and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.
8. The following agreements, easements and reservations shall be granted to The City of San Diego within one year of the effective date of this permit or as otherwise approved by the City Engineer:
 - a. An agreement for right-of-way for the connection of Tierrasanta Boulevard with Mission Gorge Road to include sufficient areas for construction of bridge structures and slopes.
 - b. An easement for recreational purposes to provide public access - linkage for the Regional Trail System between Tierrasanta Boulevard right-of-way and the Mission Trails Regional Park.
 - c. Street reservation for the future widening of Mission Gorge Road adjacent to the property.

9. No grading, blasting, quarrying and related operations shall be permitted within 100 feet of the Tierrasanta/CUP boundary line nor within 500 feet of any existing residential structure in the Tierrasanta community.
10. Within the area between Mission Gorge Road and the San Diego River, blasting will be precluded within 200 feet of the Mission Gorge Road right-of-way and within 275 feet of the northeasterly property line adjacent to the Mission Pacific residential neighborhood.
11. Within areas designated as floodplain fringe, all finished cut slopes shall be undulating and variable with no slope steeper than 2:1 ratio.
12. No filling or grading shall be conducted within the floodway of the San Diego River, nor within 300 feet of the center line of the river, until any and all permits required from Federal, State and local agencies have been obtained, and the City Environmental Quality Division has reviewed the proposed grading or filling.
13. Landscaping of the river corridor shall be exclusively with native riparian plant species such as sycamore, willows, etc., as shown on the Landscape Concept Plan.
14. Treatment of the slopes of the San Diego River shall be determined at the time precise reclamation plans are prepared. Specific slope treatments shall be chosen which enhance the riparian environment and which provide adequate flood protection.
15. Within the floodplain fringe, a combination of controlled and uncontrolled fill will be allowed to an elevation not to exceed 10 feet above 100-year-flood elevation, subject to the owner's acknowledging and recording with the County Recorder an agreement that uncontrolled fill and embankment is not eligible for a building permit unless special soils analysis and foundation design are submitted and approved by the City Engineer.
16. Within the rock quarry area, finished slopes without benches and steeper than 1½:1 will be permitted upon report and certification of a soils and geologic engineer that such slopes are stable.
17. Excavation and slope stability in other areas shall be certified by a soils engineer.

18. Slope stability shall be certified by a soils engineer prior to commencement of grading or excavation operations in that area designated as "SLIDE PRONE" on Exhibit "A."
19. Continued operations shall comply with County Air Pollution Control District (APCD) regulations as contained in Permit No. 254-258-1339-1572.
20. Existing buildings, structures, machinery, equipment and facilities in the natural resources processing area designated on the plot plan as present and future plant sites may be used, operated, maintained, altered, enlarged, repaired, modernized, and replaced, provided that appropriate building permit is as required by appropriate governmental regulations are obtained and provided that such installations and their operations meet the requirements of Public Health, Water Quality Control, and Air Pollution Control regulations and the following:
 - a. That access and operating area roads be oiled, paved or otherwise dust-proofed, and so maintained, as may be required by Air Pollution Control officer.
 - b. That material delivery trucks be watered or covered prior to departure from the site.
 - c. That dust emissions at screens, rock crushers at grading and mining areas and material transfer points be controlled by water sprays or by other equally effective dust control methods, as may be required by the Air Pollution Control officer. These operations shall also meet all noise abatement regulations.
 - d. That cement mix plant dust, conveyors and elevators be operated and maintained to meet Air Pollution and Noise Abatement regulations.
 - e. That cement soils and weight hopper be operated and maintained to meet Air Pollution and Noise Abatement regulations.
 - f. That adequate water supply be provided where cement, aggregate and water are mixed and transferred into the cement mix trucks to prevent dust emissions at this point.
 - g. That dry cement delivery trucks be provided with dust shrouds to prevent dust emissions when unloading cement into storage bins.

- h. That a cleaning area be provided for cement mix trucks to prevent accumulations of cement residue on the ground where it could be pulverized into dust by vehicular traffic.
 - i. That the hot plant ducts, elevators and dust collectors be operated and maintained to meet Air Pollution and Noise Abatement regulations.
 - j. That the hot mix plant cyclones and wet wash scrubber be capable of limiting emissions from the exhaust stack to 40 pounds per hour maximum, as prescribed in San Diego County Air Pollution Control District rules and regulations.
 - k. That dust control methods be applied to any dust producing conditions which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control officer.
 - l. That an adequate supply of water, approved by the San Diego Department of Public Health, be provided to effect the above dust control methods.
21. That the excavation areas shall be fenced with an acceptable security fence which shall be maintained at all times. There shall also be maintained at all times a continuous security fence along the entire buffer area between the Tierrasanta residences and the Conditional Use Permit area.
22. Except for reasons of safety or to satisfy public health requirements, all operations, excluding maintenance of ~~trucks~~ and equipment, conducted on the premises shall be limited to the following hours of operation:
- a. North of the San Diego River; 7:00 a.m. to 7:00 p.m. Monday through Friday.
 - b. South of the San Diego River; 6:00 a.m. to 10:00 p.m. Monday through Friday. Saturday operation permitted from 7:00 a.m. to 7:00 p.m. No Saturday activity shall occur within 500 feet of residential structures.
 - c. No operations shall occur north or south of the San Diego River on Sundays.
23. Except for reasons of safety, blasting will be limited to the period between 12 noon and 5:00 p.m., Monday through Friday. Blasting will not be permitted on weekends.

24. All operations shall be conducted in a safe and sanitary manner, so as not to endanger/damage any adjacent public or private property. Particular attention shall be paid to safeguarding the trunk sewer and water transmission main traversing this and adjoining property.
25. The Permittee, or its successors in interest, shall obtain a comprehensive policy of liability insurance which names The City of San Diego as co-insured and indemnifies the insured against claims of liability for damages to adjacent properties or the general public which result from explosions, slope failure, or flood damage which originates from, or are caused by, work on the property. The policy shall provide for a minimum property liability of \$2,000,000 and a minimum personal liability of \$5,000,000 and shall be carried, in force, as long as this permit is in effect.
26. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
27. The subject property shall not be used for any purposes unless specifically authorized by the Planning Commission or unless the proposed use meets every requirement of zone existing for the subject property at the time conversion.
28. That the ultimate reclamation of the property be in accordance with the adopted Progress Guide and General Plan, and the adopted Navajo Community Plan (subject to future revisions). Reclamation shall be done in general conformance with the approved Master Reclamation Plan which will be accomplished in phases. Each phase shall be reviewed and approved by the Planning Department prior to final reclamation of subareas. The ultimate reclamation objectives are as follows:
 - a. In the quarry areas, the final excavation slopes will be in a condition certified by a qualified soils engineer to be stable and safe. Permanent security-type fence will provide protection against public access to slope area. The floor of the quarry areas outside of the floodway of the San Diego River will be cleared of loose material and generally level.
 - b. In the floodplain fringe, excavated areas that are designated in the Navajo Community Plan for future light industrial use will be used as interim disposal sites for overburden and fill material generated in the processing of natural resources. This continuing fill operation will be limited to areas outside of the

floodway and will be conducted in a manner that will keep all interim slopes to less than 5:1 and maximum fill elevation no greater than 10 feet above 100-year-flood elevation. Prior to performing any filling northerly of the existing private service road as shown on the site layout plan, Exhibit "A," the Permittee must have obtained approval of the City Engineer as to the location and physical configuration of the levee, dike, or embankment that will confine the floodway.

The ultimate reclamation will have raised the elevation of future light industrial land above 100-year-flood elevation. Prior to completion of filling in any portion of the floodplain, a grading plan will be submitted for approval of the City Engineer, and accomplished grading will conform to such approved plan.

- c. In the floodway area, the sand excavation areas will be left as interim ponds that will be allowed to refill with sediment. The embankment, dike, or levee protecting the light industrial area will be protected by rip-rap.
 - d. At the time of each five-year review of the Conditional Use Permit by the Planning Commission, a precise reclamation plan, including landscaping, will be submitted for those areas in which the mining operations and interim filling operations are expected to be completed during the ensuing five-year period. An environmental analysis of the precise reclamation plans shall be completed prior to review by the Planning Commission.
29. No mining shall be permitted in the area proposed for inclusion within the Mission Trails Regional Park, unless the City fails to complete the acquisition authorized by the City Council within the first five-year review period.
30. A landscape buffer of eucalyptus trees or similar drought-resistant plant material will be planted in the 100-foot buffer zone south of Tierrasanta, along the trail easement, to dampen sound and screen the quarry operation from the Tierrasanta community. In addition, a landscape buffer of oleander or similar drought-resistant plant material will be planted on the north side of Mission Gorge Road between Princess View Drive and Margerum Avenue sufficient to screen the quarrying and processing operations from Mission Gorge Road. The latter screening will be similar to the landscape buffer that screens the Hazard operation from Friars Road.

31. All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris.
32. This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Section 101.0506 and Section 101.0507 of the Municipal Code.
33. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agency.
34. After establishment of the project, the property shall not be used for any other purpose unless:
 - a. authorized by the Planning Commission; or
 - b. the proposed use meets every requirement of the zone existing for the property at the time of conversion; or
 - c. the permit has been revoked by the City.
- (35) This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
- (36) This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JUNE 14, 1983.

AUTHENTICATED BY:

Roger Hedgecock

Roger Hedgecock
Mayor of The City of San Diego

Charles G. Abdelnour

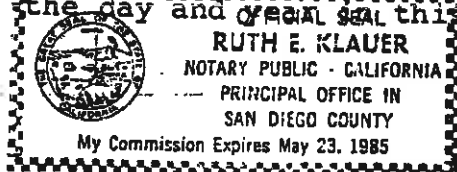
City Clerk of The City of San Diego

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

On this 15th day of February, ¹⁹⁸⁵~~1984~~, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and date first above written.



Ruth E. Klauer
Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this ~~PLANNED~~
~~/ RESIDENTIAL / COMMERCIAL / DEVELOPMENT / OR /~~ Conditional Use X Permit and promises to perform each and every obligation of Permittee hereunder.

By *J. Gary Dennis - Vice President*
J. R. Dennis Construction Company, A Ca. Cor
By *Hans J. Fildes - Sect. - Trees*
MISSION GORGE DEVELOPMENT CO., A Ca. Corp.

NOTE: NOTARY ACKNOWLEDGEMENTS MUST
BE ATTACHED PER CIVIL CODE,
SEC. 1180 et seq.

Form=ACK

STATE OF CALIFORNIA

COUNTY OF

San Diego

} ss.

On this 11th day of February, in the year 19 85
before me, the undersigned, a Notary Public in and for said State, personally appeared

J. Gary Dennis

and

Hans J. Fillestad

personally known to me

(or proved to me on the basis of satisfactory evidence) to be the persons who executed the
within instrument as ^{Vice} President and Secretary, respectively, of the Corporation therein named,
and acknowledged to me that the Corporation executed it pursuant to its by-laws or a resolution
of its board of directors.

WITNESS my hand and official seal.

Linda M. Anderson

Notary Public in and for said State.



NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY

My Commission Expires 12/31/87